

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HOWARD JACK-BEY, JR.,

Plaintiff,

Case No. 1:13cv131

v.

Hon. Robert J. Jonker

MICHIGAN DEPARTMENT OF
CORRECTIONS, *et al.*,

Defendants.

ORDER
APPROVING AND ADOPTING REPORT AND RECOMMENDATION

The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties on February 12, 2014. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge, filed February 12, 2014, is approved and adopted as the opinion of the court.

I IT IS ORDERED that the motions to dismiss filed by defendants MDOC, Heyns, Finco, Martin and Tompkins (docket no. 26) and defendants Howes and Wolfe (docket no. 31) are **DENIED**.

IT IS ORDERED that the motion for summary judgment filed by defendants MDOC, Heyns, Finco, Martin and Tompkins (docket no. 26) is **DENIED**.

IT IS FURTHER ORDERED that the motion for summary judgment filed defendant Howes and Wolfe (docket no. 31) is **GRANTED** as to defendant Wolfe as to all of plaintiff's claims and **DENIED** as to defendant Howes.

/s/Robert J. Jonker
ROBERT J. JONKER
UNITED STATES DISTRICT JUDGE

Dated: March 26, 2014